IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2077 OF 2007

Milind Hemant Kotak ..Applicant

Versus

Dena Bank and Anr. ..Respondents

Mr.M.S.Mohite for the applicant.

Mr.S.Ratnakumar Sharma for respondent no.1.

Mr.D.P.Adsule APP for the State.

CORAM : B.H.MARLAPALLE,J

DATE : 8TH OCTOBER, 2007

PC

1. Heard Mr.Mohite the learned Counsel for the applicant-accused no.4 and Mr.Ratnakumar Sharma for the added respondent-bank. Perused the affidavit filed by Shri I.M.Almeida, Manager of the Asset Recovery Branch of the respondent-bank.

2. I am satisfied that no interference is called for in the impugned order dated 20.3.2007 passed by the learned Additional Chief Metropolitan Magistrate, 5th Court, Bhoiwada, Dadar, separating the trial and the said trial against accused nos.1 and 4 must go on.

3. The learned Counsel for the respondent-bank stated before the Court that if the applicant-accused no.4 furnishes the present address of absconding accused

no.2, the bank shall take appropriate steps against the absconding accused.

4. Undertaking is noted. The application is rejected. Trial to go on. Undoubtedly, the trial Court will follow the provisions of Section 299 of Cr.P.C. while recording the evidence during the trial against accused nos.1 and 4 and as far as accused no.2 is concerned, the file will not be kept dormant.

(B.H.MARLAPALLE,J)